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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/657,289	09/08/2003	Timothy Hewitt	60340-043	1379

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EXAMINER	
PETERSON, KENNETH E	
ART UNIT	**PAPER NUMBER**
3724	

DATE MAILED: 03/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/657,289	HEWITT ET AL.	
	Examiner	Art Unit	
	Kenneth E Peterson	3724	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *18 January 2005*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-6,22* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-6 and 22* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 18 Jan 05 has been entered.

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 1-6 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Miller et al.'642, who shows a fence assembly having most of the recited limitations including slidable fence beam (104) and studs (150) that stick out both sides of the fence beam. Miller also shows a first fence face (132 in figure 1) and a second fence face (132 in figure 2).

Miller's studs mate with his fence faces via a head and slot, but not a keyhole shaped slot. Examiner takes Official Notice that it is well known to employ studs with enlarged heads and keyhole slots when connecting machine parts together. An example of such is the patent to Persson '221, best seen in figures 7 and 9. Some examples from the saw table art are the patents to Sellmeyer '458 (78) and Cox '245 (lines 13,14, column 6). It would have been obvious to one of ordinary skill in the art to

have modified Miller by making the fence face connections employ keyhole slots engaging the stud heads, as is well known and taught by Persson, Sellmeyer and Cox, since this is an art recognized equivalent known for the same purpose of connecting machine parts together.

In regards to claim 2, Miller obviously could have two fence faces mounted simultaneously as well, since the courts have ruled that it is obvious to have redundant parts (St. Regis Paper Co. vs Bemis Co. Inc 193 USPQ 8,11). It would have been obvious to one of ordinary skill in the art to have provided two fence faces simultaneously, so that the operator would not need to keep switching a single one back and forth.

In regards to claim 3, it is not clear if Miller's fence face is taller than his fence beam. Examiner takes Official Notice that such is well known. For example, see the patent to Collignon '692 (9,21). It would have been obvious to one of ordinary skill in the art to have made the fence face taller than the fence beam, in order to have a sufficiently large guiding face for the workpiece.

In regards to claim 4, Miller's fence face is made out of metal.

In regards to claims 5 and 6, Examiner takes Official Notice that it is well known for fence faces to be made out of wood or plastic. See for example Collignon '693 (21). It would have been obvious to one of ordinary skill in the art to have made the fence face out of wood or plastic, as is well known or taught by Collignon, in order to save production costs.

In regards to claim 22, Miller's fence face (as modified above) has key slots, but these key slots are directly in the fence face, as opposed to being in a series of attached plates. Examiner takes Official Notice that it is well known to employ a plate in lieu of having the keyhole directly in the object to be attached. An example of this is a typical door lock which has a enlarged-head stud on a chain attached to the door, and a keyhole plate attached to the door frame (in lieu of the keyhole being directly in the door frame). Examiner further notes that the courts have long ruled that the unity or diversity of integral parts is generally not patentable subject matter. An integral fence face plus plate plus keyhole is an obvious variant of an integral fence face plus keyhole. See In re Lockhart, 90 USPQ 214. It would have been obvious to one of ordinary skill in the art to have further modified Miller's fence face by have an additional plate element, as is well known, and since this would not change the resultant integral structure.

4. Applicant's arguments with respect to the claims have been considered but are not persuasive.

The objections are 35 USC 112 rejections have been overcome.

Applicant argues that the details added to claim 1 distinguish over the references cited. However, Examiner has taken Official Notice that such is well known (now officially admitted prior art as per MPEP 2144.03(C)), and furthermore Examiner has cited a reference (Persson) that shows such a configuration.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ken Peterson at 517-272-4512, on Monday-Thursday, 7AM-5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Allan Shoap, can be reached at 571-272-4514. In lieu of mailing, it is encouraged that papers be faxed to 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. For more information about the PAIR system, see http://pair-direct.uspto.gov or call the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

kp
February 7, 2005

KENNETH E. PETERSON
PRIMARY EXAMINER